

**REMARKS**

Entry of the foregoing, reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

**I. Amendments to the Claims**

By the foregoing amendments to the claims, claims 1, 2, 4-6, 9, 10, and 15 have been amended, and new claims 17-23 have been added.

In particular, claims 1 and 5 have been amended by deleting recitation of "functional fragments."

In addition, claim 10 has been amended to recite that the "microarray technology" is "DNA microarray technology." New claim 23 recites an embodiment of claim 10. These amendments are supported at least at page 11, lines 25-31 of the present specification.

In addition, claim 15 has been amended to depend from claim 1 rather than from claim 14.

Finally, other amendments to the claims have also been made to clarify the claim language, for consistency, and to bring the claims into better conformance with U.S. patent practice. These amendments are merely editorial in nature and are not intended to change the scope of the claims or any elements recited therein.

The amendments to the claims, including cancellation of claims, have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments to the above-identified application are respectfully requested.

**II. Response to Claim Rejections Under 35 U.S.C. § 112, Second Paragraph**

At pages 3-4 of the Office Action, claims 1, 4, 5, 10 and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite.

To expedite prosecution in the present application, and not to acquiesce to the Examiner's rejection, the claims have been amended as described above.

Applicants respectfully submit that the claims particularly point out and distinctly claim the subject matter Applicants regard as the invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **III. Response to Claim Rejections Under 35 U.S.C. § 102(e)**

At pages 4-10 of the Office Action, claims 1, 4, 5, 10 and 15 have been rejected under 35 U.S.C. §102(e) as purportedly anticipated by Drancourt et al. (U.S. Patent Publication No. 2006/0199182).

This rejection is respectfully traversed, for at least the following reasons.

A published patent application, by another, is prior art under 35 U.S.C. § 102(e), if the application was filed "in the U.S." before Applicant's invention. A U.S. patent application published by the U.S. Patent and Trademark Office (USPTO), based on the U.S. National Stage of a PCT application filed on or after November 29, 2000, is available as prior art under § 102(e) as of its PCT filing date, if the PCT application designates the U.S. and was published by WIPO in English. If the PCT application was published in a language other than English, the § 102(e) date is the date the National Stage application was filed in the USPTO.

Because the PCT application corresponding to '182 was published by WIPO in French rather than in English, '182 is available as prior art under § 102(e) as of February 17, 2006, the date the National Stage application was filed in the USPTO. The present application has an effective U.S. filing date of December 17, 2004 (based on PCT/F104/00776 (designating the U.S. and published in English)) and further claims priority to Finland 20031867, filed December 19, 2003. Therefore, '182 was not filed in the U.S. prior to Applicant's invention, and does not qualify as prior art under § 102(e).

In addition, a published PCT application (even if published in a language other than English) may be available as prior art under § 102(a) as of the publication date of the PCT application. Applicants have not confirmed the publication date of the PCT application corresponding to '182. However, assuming a publication date of May 4, 2005 (18 months after the PCT filing date of November 4, 2003), the PCT application was not published prior to Applicant's invention. Furthermore, the PCT application was not published more than one year prior to the U.S. filing date of the present application. Thus, the cited reference is not prior art under § 102(a) or § 102(b).

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**CONCLUSION**

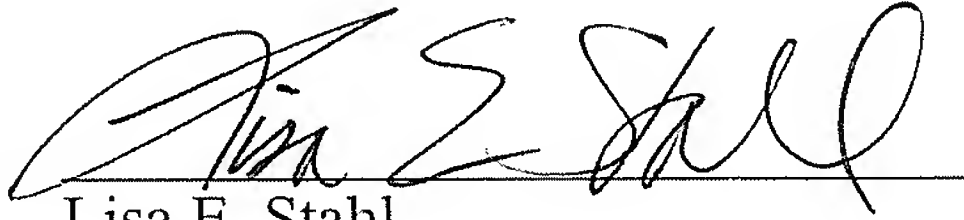
In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 18, 2009

By:

A handwritten signature in black ink, appearing to read "Lisa E. Stahl", written over a horizontal line.

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